S.B.CRIMINAL MISC. BAIL APPLICATION NO.5182/2007
(Prem Ratan vs. State of Rajasthan)

DATE OF ORDER : November 14, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Mahesh Thanvi, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor for State.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and the police investigation diary.

It is contended by learned counsel for the petitioner that the allegation against the petitioner is that he included the name of his nephew Ramesh in the muster roll and made payment to him.

From perusal of the police investigation diary, it appears that in the muster roll, name of Ramesh has been mentioned. It is Ramesh, who put his thumb impression in the muster roll and at no point of time, he claimed that he has not been paid the amount mentioned in the muster roll. Be that as it may, no loss appears to be occurred to the complainant.

Looking to the facts and circumstances of the case and having considered the oral arguments advanced by learned counsel for the parties, I consider it just and proper to grant anticipatory bail to the petitioner.

Accordingly, the bail application filed by petitioner under section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Prem Ratan s/o Jhumar Lal in FIR No.183/2004, Police Station, Phalodi, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-